



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



September 11, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1057

Mr. James C. Justice, III
Premium Coal Company, Inc.
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I18-090-000-006

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-281-002, Violation 1 of 1, served on June 7, 2018, and Notice of Violation 18-090-281-002, Violation 1 of 1, served on April 02, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$23,210.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

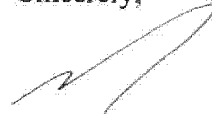
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order

Underlying Notice of Violation

Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1064
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1071
Premium Coal Company, Inc.
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: 118-090-000-006		
Date: 09/11/2018		
Company: Premium Coal Company Inc.		
Permit No.: 2872	Site Status: Active Non-Producing	
Failure to Abate Cessation Order (FTA CO): 18-090-281-002, Violation 1 of 1		
Underlying Notice of Violation (NOV): 18-090-281-002, Violation 1 of 1		
Regulation Cited for Underlying NOV: 30 CFR 816.151(d) and E		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
		\$0
		\$0
		\$0
		\$0
History Total:		\$0
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	\$800
Moderate - \$1,641 to \$3,280	\$3,280	
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying NOV was issued March 28, 2018. Violation 1 of 1 cited "Failure to maintain the haulroad." The ditches have not been maintained and uncontrolled water is causing erosion to the haulroad. The inspector report that off-site sedimentation had not occurred.		
Environmental Harm Total:		\$800
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$2,000
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying NOV was issued March 28, 2018. Violation 1 of 1 cited "Failure to maintain the haulroad." The ditches have not been maintained and uncontrolled water is causing erosion to the haulroad. The inspector reported that the damage was confined within the permit area and did not result in off-site sedimentation.		
Extent of Damage Total:		\$2,000
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on March 28, 2018. The violation remained unabated for 32 days. Therefore, a cessation order was issued on June 1, 2018. The cessation order has been in effect for 102 days, but there has still been no attempt by the company to abate the cited violation.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$2,800	
Service Date for FTA CO C18-090-281-002, Violation 1 of 1	6/7/2018	
Today's Date	9/11/2018	
Number of Days	96	
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)	\$23,210	
(B) Total ICP (Total Daily Penalty x Number of Days)	\$268,800	
Final ICP - Whichever is less, (A) or (B)		\$23,210

Updated July 26, 2018

2872

ROUGH DRAFT ESTIMATE OF 2872 Haulroad 2R Remedial Work Associated with FTACO C18-090-281-002

ROUGH DRAFT Item No.	Qty	Unit	Description	Unit Price	Amount
	1	LS	Mobilization and Demobilization (Limited to 10% of Total Bid)	LS	\$13,918
	1	LS	Construction Layout (Limited to 5% of Total Bid)	LS	\$0
	1	LS	Quality Control	LS	\$0
	1	LS	Site Preparation (Limited to %10 of Total Bid)	LS	\$0
80	hrs	day	Grading road/day	\$704.00	\$7,040
4555	LF		gravel ton delivered	\$25.00	\$113,875
5	10 hrs	day	excavator/day	\$1,552.00	\$15,520
50	LF		CMP Culvert Cleaning	\$5.00	\$250
500	LF		Silt Fence (Per Linear Foot)	\$5.00	\$2,500
					\$153,103

Total

\$153,103

1 LS mob Unit 3,000
 1 LS Demob 2,000
 80 hrs Grader \$53.00 4,240
 40 hrs EXC. \$134.00 5,360
 50 LF Culvert Clean \$5.00 250 (14,850)
 250 TNS Stone \$25.00 6,250
 \$21,100

21,100 + (2,110)
 23,210

2065 9/11/18



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



September 12, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1699

Mr. James C. Justice, III
Premium Coal Company Incorporated
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: 118-090-000-007

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-171-001, Violation 1 of 2, served on April 16, 2018, and Notice of Violation 18-090-171-001, Violation 1 of 2, served on April 09, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$17,886.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.


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Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

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Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1705
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1712
Premium Coal Company Incorporated
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: 118-090-000-007		
Date: 09/12/2018		
Company: Premium Coal Co., Inc.		
Permit No.: 3233	Site Status: Mining Complete	
Failure to Abate Cessation Order (FTA CO): 18-090-171-001, Violation 1 of 2		
Underlying Notice of Violation (NOV): 18-090-171-001, Violation 1 of 2		
Regulation Cited for Underlying NOV: 30 CFR 816.45		
Assessor: Christopher Miller		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C14-090-535-014		\$1,640
C14-090-535-012		\$1,640
C14-090-535-005		\$1,640
		\$0
History Total:		\$4,920
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$3,000
Significant - \$3,281 to \$4,920	\$4,920	
Justification: Underlying NOV 18-090-171-001, Violation 1 of 2, was issued March 30, 2018, for failure to maintain sediment control structures. The permittee failed to maintain multiple sediment control structures including diversion ditches RD-2.1, RD-3, and D-1; clean water diversion ditches CWD-1, CWD-3, CWD-6, and CWD-7; and the culvert above basin 006A. These failures have caused ditches to breach, drainage to by-pass sediment ponds, erosion, slope instability, water pooling on the road, and increased flow to ponds that are not designed for the additional flow. These violations are likely to cause off-site sedimentation to occur and have caused moderate environmental harm to the permit.		
Environmental Harm Total:		\$3,000
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$2,000
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: Underlying NOV 18-090-171-001, Violation 1 of 2, was issued March 30, 2018, for failure to maintain sediment control structures. The inspector reported minor damage had occurred on the permit area, but would extend off the permit area during a storm event. Failure to maintain the cited ditches would increase the likelihood of off-site sedimentation and water pollution.		
Extent of Damage Total:		\$2,000
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on March 30, 2018. This NOV remained unabated for 13 days. The cessation order was issued on April 13, 2018. The cessation order exceeded 30 days on May 13, 2018, and a follow-up inspection on May 14, 2018, confirmed that no work had been attempted on the underlying violation. No equipment was on site. The underlying NOV and cessation order remain in effect.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$9,920	
Service Date for FTA CO 18-090-171-001, Violation 1 of 2		4/16/2018
Today's Date		9/12/2018
Number of Days		149
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$17,886
(B) Total ICP (Total Daily Penalty x Number of Days)		\$1,478,125
Final ICP - Whichever is less, (A) or (B)		\$17,886

Updated July 26, 2018

Item No.	Qty	Unit	Description	Unit Price	Amount
1	1	Day	Mobilization-In and out	\$1,000.00	\$1,000
5	40	Day	Use of track excavator	\$1,333.00	\$53,320
3		Acre	Revegetation	\$850.00	\$1,500
			Total		\$10,215
					\$16,260
					\$17,886
1	1	Day	Mobilization-In and out	\$1,000.00	\$1,000
2	16	Day	Use of road grader	\$1,250.00	\$20,000
1.00		Acre	Revegetation	\$850.00	\$850
			Total		\$3,350

1997



United States Department of the Interior

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RECLAMATION AND ENFORCEMENT
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September 12, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1699

Mr. James C. Justice, III
Premium Coal Company Incorporated
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: 118-090-000-008

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-171-001, Violation 2 of 2, served on April 16, 2018, and Notice of Violation 18-090-171-001, Violation 2 of 2, served on April 09, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$8,484.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

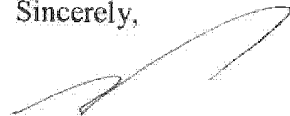
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Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1705
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1712
Premium Coal Company Incorporated
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I18-090-000-008		
Date: 9/12/2018		
Company: Premium Coal Co., Inc.		
Permit No.: 3233	Site Status: Mining Complete	
Failure to Abate Cessation Order (FTA CO): 18-090-171-001, Violation 2 of 2		
Underlying Notice of Violation (NOV): 18-090-171-001, Violation 2 of 2		
Regulation Cited for Underlying NOV: 30 CFR 816.150(b)		
Assessor: Christopher Miller		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C14-090-535-014		\$1,640
C14-090-535-012		\$1,640
C14-090-535-005		\$1,640
		\$0
History Total:		\$4,920
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$3,000
Significant - \$3,281 to \$4,920	\$4,920	
Justification: Underlying NOV 18-090-171-001, Violation 2 of 2, was issued March 30, 2018, for failure to maintain Haul Road A. The permittee failed to maintain road culverts HR-11, HR-12, and HR-14. These failures have caused drainage to flow across the road causing erosion and slumping of the haul road. The inspector also reported erosion to the basin 001 access road. These issues have caused off-site sedimentation to occur and have caused moderate environmental harm on the permit.		
Environmental Harm Total:		\$3,000
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	\$2,500
Justification: Underlying NOV 18-090-171-001, Violation 2 of 2, was issued March 30, 2018, for failure to maintain Haul Road A. The inspector reported minor damage extending beyond the permit area. However, continued erosion of the road is likely if it is not maintained, and further settlement of the road could lead to a slide.		
Extent of Damage Total:		\$2,500
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on March 30, 2018. This NOV remained unabated for 13 days. The cessation order was issued on April 13, 2018. The cessation order was outstanding for 30 days on May 13, 2018. A follow-up inspection on May 14, 2018, confirmed that no work had been conducted to abate the underlying violation. No equipment was on site. The underlying NOV and cessation order remain in effect.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$10,420	
Service Date for FTA CO 18-090-171-001, Violation 2 of 2		4/16/2018
Today's Date		9/12/2018
Number of Days		149
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$9,332
(B) Total ICP (Total Daily Penalty x Number of Days)		\$1,552,625
Final ICP - Whichever is less, (A) or (B)		\$9,332

Updated July 26, 2018

Item No.

Qty

Unit

Cost Estimate for National Coal Permit # 3233-Violation 1 of 2.

Description

Unit Price

Amount

1 Mobilization-In and out
5 Use of track excavator
3 Revegetation

5,000

\$1,000.00

\$1,333.00

\$850.00

\$1,500

169.44

\$1,000

\$6,665

\$2,550

\$1,500

Total

\$10,225

1 Mobilization-In and out
1.00 Use of road grader
Revegetation

Violation 2 of 2

5,000

\$1,000.00

\$1,241.44

\$850

1500

\$2,000

\$2,500

\$850

Total

\$3,350

ICP 007

\$8,484
\$9,332.00

11/1/23



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



October 25, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1132

Mr. James C. Justice, III
Premium Coal Company Incorporated
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I18-090-000-009

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-171-002, Violation 1 of 1, served on May 7, 2018, and Notice of Violation 18-090-171-002, Violation 1 of 1, served on April 24, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$7,788.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

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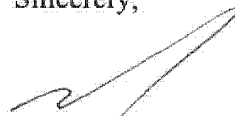
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Reclamation and Enforcement
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To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1842
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1156
Premium Coal Company Incorporated
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: H18-090-000-009		
Date: 8/16/2018		
Company: Premium Coal Co., Inc.		
Permit No.: 3241	Site Status: Temporary Cessation	
Failure to Abate Cessation Order (FTA CO): C18-090-171-002		
Underlying Notice of Violation (NOV): N18-090-171-002, Violation 1 of 1		
Regulation Cited for Underlying NOV: 30 CFR 816.150(b)		
Assessor: Christopher Miller		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C14-090-535-016		\$1,640
C14-090-535-007		\$1,640
		\$0
		\$0
History Total:		\$3,280
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$3,000
Significant - \$3,281 to \$4,920	\$4,920	
Justification: Underlying NOV N18-090-171-002, Violation 1 of 1 was issued April 20, 2018, for failure to maintain the haul road. The permittee failed to maintain the haul road from Highway 116 to the mine face-up. The haul road has eroded, ditch lines are filled with sediment, and water is crossing the road into old slide areas. Further, The outlet of culvert 5A is flowing into spoil material recently placed below this culvert by a logging company causing a slide to form. These violations combined have resulted in moderate environmental damage to the permit area.		
Environmental Harm Total:		\$3,000
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$1,000
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: Underlying NOV N18-090-171-002, Violation 1 of 1 was issued April 20, 2018, for failure to maintain the haul road. The inspector reported that damage is confined to the permit area, and he could not document any damage off-site due to dry weather.		
Extent of Damage Total:		\$1,000
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on April 20, 2018. This NOV remained unabated for 14 days. The cessation order was issued on May 2, 2018. The cessation order exceeded 30 days on June 1, 2018 and a follow-up inspection on that day confirmed that no work had been attempted on the underlying violation. No equipment was on site. The underlying NOV and cessation order remain in effect.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$7,280	
Service Date for FTA CO C18-090-171-002, Violation 1 of 1	5/7/2018	
Today's Date	8/15/2018	
Number of Days	100	
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)	\$7,788	
(B) Total ICP (Total Daily Penalty x Number of Days)	\$728,020	
Final ICP - Whichever is less, (A) or (B)		\$7,788

Updated July 26, 2018

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	Description	Unit Price	Amount
	2	LS	Ingress and Egress	2 days	\$2,000
	1	daily	Grade roads	\$750.00	\$2,250
	1	daily	Back hoe	\$315.00	\$630
	1	acre	Revegetation	\$850.00	\$850
	50	feet	12" Culvert	\$27.00	\$1,350
			Total		\$7,080



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



October 25, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1835

Mr. James C. Justice, III
National Coal, LLC
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: 118-090-000-010

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-171-004, Violation 1 of 3, served on July 27, 2018, and Notice of Violation 18-090-171-004, Violation 1 of 3, served on July 9, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$35,871.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.


This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1842
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1859
National Coal, LLC
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: 118-090-000-010		
Date: 10/16/2018		
Company: National Coal, LLC		
Permit No.: 3250		Site Status: Temporary Cessation
Failure to Abate Cessation Order (FTA CO): 18-090-171-004, Violation 1 of 3		
Underlying Notice of Violation (NOV): 18-090-171-004, Violation 1 of 3		
Regulation Cited for Underlying NOV: 30 CFR 942.816.46(c)(1)(iii)(F)		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount		\$16,401
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C14-090-535-015		\$1,640
C14-090-535-011		\$1,640
C14-090-535-001		\$1,640
		\$0
History Total:		\$4,920
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$3,280
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on June 29, 2018 for failure to remove excess sediment from basin SS-1B. The sediment has built up in the basin to the point that it is above the dewatering pipe. According to the inspector muddy water was being observed discharging from the pond and reported that the basin flows directly into the receiving stream.		
Environmental Harm Total:		\$3,280
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	\$3,592
Justification: The underlying NOV was issued June 29, 2018. Violation 1 of 3 cited "Failure to remove excess sediment from basin SS-1B." The inspector reported that muddy water was being observed discharging from the pond and reported that the basin flows directly into the receiving stream.		
Extent of Damage Total:		\$3,592
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on June 29, 2018. The violation remained unabated for over 90 days. Therefore, a cessation order was issued on July 24, 2018. The cessation order has been in effect for 84 days, but there has still been no attempt by the company to abate the cited violation.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$11,792	
Service Date for FTA CO C18-090-171-004, Violation 1 of 3		7/27/2018
Today's Date		10/25/2018
Number of Days		90
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$35,871
(B) Total ICP (Total Daily Penalty x Number of Days)		\$1,061,307
Final ICP - Whichever is less, (A) or (B)		\$35,871

Form Updated July 26, 2018

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	National Coal 3250 cost estimate CO 18-090-171-004, violation 1 of 3	Description	Unit Price	Amount
	1	LS		Mobilization	\$3,000	\$3,000
86	72	hours		324 excavator	\$145	15,050
86	72	hours		725 dump truck	\$108	12,384
				(21.5) yds		
1	LS			Demobilization	\$2,000	1,000
acre	1			Revegetation	\$85.00	1,200

Total

\$22,446.00

32,634

10%

35,897

$$\text{Pond } 55' \times 8' - 400' \times 125' \times 8' \text{ D.} = 14,815 \text{ yds}$$

$$\frac{14,815}{21.5 \text{ yds/acre}} = 689 \text{ Loads}$$

689 Loads

$$64 \text{ loads/haul} = 10.76 \text{ hauls}$$

$$10.76 \times 8 = 86.128 = 86 \text{ hrs}$$



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



October 25, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1835

Mr. James C. Justice, III
National Coal, LLC
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I18-090-000-011

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-171-004, Violation 2 of 3, served on July 27, 2018, and Notice of Violation 18-090-171-004, Violation 2 of 3, served on July 9, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$8,989.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

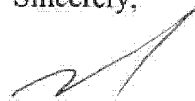
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order

Underlying Notice of Violation

Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1842

Mr. Aaron B. Houchens

Attorney-At-Law

Stanley & Houchens, LLC

113 E. Main Street

Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1859

National Coal, LLC

P.O. Box 2178

Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I18-090-000-011		
Date: 10/16/2018		
Company: National Coal, LLC		
Permit No.: 3250		Site Status: Temporary Cessation
Failure to Abate Cessation Order (FTA CO): 18-090-171-004, Violation 2 of 3		
Underlying Notice of Violation (NOV): 18-090-171-004, Violation 2 of 3		
Regulation Cited for Underlying NOV: 30 CFR 942.816.102(a)(2)		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount		\$16,401
1. History		
List Previous Federal Cessation Orders (no more than 4)	Maximum: \$6,560	Assessed Penalty (\$1,640 per cessation order)
C14-090-535-015		\$1,640
C14-090-535-011		\$1,640
C14-090-535-001		\$1,640
		\$0
History Total:		\$4,920
2. Seriousness		
a. Environmental Harm	Maximum: \$4,920	Assessed Penalty
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	\$820
Moderate - \$1,641 to \$3,280	\$3,280	
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on June 29, 2018 for failure to backfill and grade the disturbed area in such a manner as to eliminate all depressions. The inspector reported that water is seeping from a depression formed in the backfill material and is saturating the upper slope of the backfill.		
Environmental Harm Total:		\$820
2. Seriousness		
b. Extent of Damage	Maximum: \$4,920	Assessed Penalty
Confined within the permit area - \$0 to \$2,263	\$2,263	\$500
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying NOV was issued June 29, 2018. Violation 2 of 3 cited "Failure to backfill and grade the disturbed area in such a manner as to eliminate all depressions." The inspector reported that no damage as occurred.		
Extent of Damage Total:		\$500
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on June 29, 2018. The violation remained unabated for over 90 days. Therefore, a cessation order was issued on July 24, 2018. The cessation order has been in effect for 84 days, but there has still been no attempt by the company to abate the cited violation.		
Good Faith Total:		\$0
Daily ICP Calculation		
Daily Total: \$6,240	Assessed Penalty	
Service Date for FTA CO C18-090-171-004, Violation 2 of 3	7/27/2018	
Today's Date	10/25/2018	
Number of Days	90	
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)	\$8,989	
(B) Total ICP (Total Daily Penalty x Number of Days)	\$561,627	
Final ICP - Whichever is less, (A) or (B)	\$8,989	

Form Updated July 26, 2018

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	National Coal 3250 cost estimate CO 18-090-171-004, violation 2 of 3 Description
	1	LS	Mobilization
	16	hours	D-6 dozer
	2	acre	Seed and mulch
	1	LS	Demobilization

Unit Price	Amount
\$3,000	\$3,000
\$92	\$1,472
\$850	\$1,700
\$2,000	\$2,000

Total \$8,172.00

+ 10%

8989



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



December 04, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1866

Mr. James C. Justice, III
Premium Coal Company Incorporated
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I18-090-000-013

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-281-001, Violation 1 of 2, served on June 7, 2018, and Notice of Violation 18-090-281-001, Violation 1 of 3, served on April 9, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$195,530.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

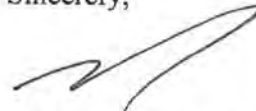
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1873
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1880
Premium Coal Company Incorporated
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I18-090-000-013		
Date: 12/04/2018		
Company: Premium Coal Co., Inc.		
Permit No.: 3143		Site Status: Temporary Cessation
Failure to Abate Cessation Order (FTA CO): C18-090-281-001, Violation 1 of 2		
Underlying Notice of Violation (NOV): N18-090-281-001, Violation 1 of 3		
Regulation Cited for Underlying NOV: 30 CFR 816.107(d)		
Assessor: Christopher Miller		
Current ICP Maximum Daily Amount		\$16,401
1. History		
List Previous Federal Cessation Orders (no more than 4)	Maximum: \$6,560	Assessed Penalty (\$1,640 per cessation order)
C14-090-100-003		\$1,640
C14-090-100-002		\$1,640
C12-090-100-001		\$1,640
		\$0
History Total:		\$4,920
2. Seriousness		
a. Environmental Harm	Maximum: \$4,920	Assessed Penalty
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$1,641
Significant - \$3,281 to \$4,920	\$4,920	
Justification: Underlying NOV N18-090-281-001, Violation 1 of 3 was issued March 30, 2018, for placing soil against the downslope windrow. Backfilled spoil has been placed against windrowed timber on the downslope. The windrowed timber has deteriorated over the life of the operation and become unstable. The inspector also determined that timber has been incorporated into the out slope backfill spoil and is causing backfill stability issues. This has resulted in moderate environmental harm to the permit area.		
Environmental Harm Total:		\$1,641
2. Seriousness		
b. Extent of Damage	Maximum: \$4,920	Assessed Penalty
Confined within the permit area - \$0 to \$2,263	\$2,263	\$500
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: Underlying NOV N18-090-281-001, Violation 1 of 3 was issued March 30, 2018, for placing soil against the downslope windrow. The inspector reported that minimal damage is confined to the permit area.		
Extent of Damage Total:		\$500
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on March 30, 2018. This NOV remained unabated for 61 days. The cessation order was issued on June 1, 2018. The cessation order exceeded 30 days on July 1, 2018 and a follow-up inspection on July 3, 2018 confirmed that no work had been attempted on the underlying violation. The underlying NOV and cessation order remain in effect.		
Good Faith Total:		\$0
Daily ICP Calculation		
Daily Total: \$7,061	Assessed Penalty	
Service Date for FTA CO C18-090-281-001, Violation 1 of 2	6/7/2018	
Today's Date	12/4/2018	
Number of Days	180	
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)	\$195,530	
(B) Total ICP (Total Daily Penalty x Number of Days)	\$1,271,034	
Final ICP - Whichever is less, (A) or (B)		\$195,530

Updated July 26, 2018.

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	Premium Coal Co Remedial Work CO C18-090-281-001 1 of 3(ms) Description	Unit Price	Amount
	1	LS	Mobilization and Demobilization	LS	\$3,500
	1	LS	Construction Layout	LS	\$2,500
	1	LS	Site Preparation	LS	\$1,500
	1	EA	Stabilized Construction Entrance	\$5,000	\$5,000
	8	AC	Revegetation	\$3,000	\$24,000
	50,482	CY	Unclassified Excavation/Regrading	\$2.50	\$126,204
	1,000	LF	Silt Fence (Per Linear Foot)	\$2.00	\$2,000
	3,000	LF	Straw Wattle (Per Linear Foot)	\$2.50	\$7,500
	60	TN	Access road rehab stone (access from Windrock Park)	\$30.00	\$1,800
	1	LS	Tree Planting in accordance with FRA	LS	\$3,750
			10%		17,754
			<u>Total</u>		\$195,530

NOV 18-090-281-001

Sent out 3/30/18

Served 4/9/18

CO 18-090-281-001

Sent out 6/1/18

Served 6/7/18

Exhibit F-8



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



December 04, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1866

Mr. James C. Justice, III
Premium Coal Company Incorporated
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I18-090-000-014

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-281-001, Violation 2 of 2, served on June 7, 2018, and Notice of Violation 18-090-281-001, Violation 2 of 3, served on April 9, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$5,830.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

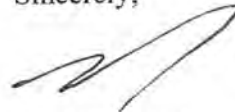
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1873
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1880
Premium Coal Company Incorporated
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I18-090-000-014		
Date: 12/04/2018		
Company: Premium Coal Co., Inc.		
Permit No.: 3143	Site Status: Temporary Cessation	
Failure to Abate Cessation Order (FTA CO): C18-090-281-001, Violation 2 of 2		
Underlying Notice of Violation (NOV): N18-090-281-001, Violation 2 of 3		
Regulation Cited for Underlying NOV: 30 CFR 816.150(e)		
Assessor: Christopher Miller		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C14-090-100-003		\$1,640
C14-090-100-002		\$1,640
C12-090-100-001		\$1,640
		\$0
History Total:		\$4,920
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$1,641
Significant - \$3,281 to \$4,920	\$4,920	
Justification: Underlying NOV N18-090-281-001, Violation 2 of 3 was issued March 30, 2018, for failure to maintain the haulroad. A slide has occurred which has made the roadway impassable due to rockfall material. This has resulted in moderate environmental harm to the permit area.		
Environmental Harm Total:		\$1,641
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$500
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: Underlying NOV N18-090-281-001, Violation 2 of 3 was issued March 30, 2018, for failure to maintain the haulroad. The inspector reported that minimal damage is confined to the permit area.		
Extent of Damage Total:		\$500
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on March 30, 2018. This NOV remained unabated for 61 days. The cessation order was issued on June 1, 2018. The cessation order exceeded 30 days on July 1, 2018 and a follow-up inspection on July 3, 2018 confirmed that no work had been attempted on the underlying violation. The underlying NOV and cessation order remain in effect.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$7,061	
Service Date for FTA CO C18-090-281-001, Violation 2 of 2		6/7/2018
Today's Date		12/4/2018
Number of Days		180
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$5,380
(B) Total ICP (Total Daily Penalty x Number of Days)		\$1,271,034
Final ICP - Whichever is less, (A) or (B)		\$5,380

Updated July 26, 2018

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	Premium Coal Co Remedial Work CO C18-090-281-001 2 of 3(ms) Description	Unit Price	Amount
	1	LS	Mobilization and Demobilization	LS	\$1,500
	0.2	AC	Revegetation	\$3,000	\$300
	1	LS	Removal of Fallen Rock	LS	\$2,500
	1	LS	Rock Wall Stabilization/Scaling		1,000
					\$530
					10%
					<u>Total</u>
					\$5,830



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



December 18, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1903

Mr. James C. Justice, III
National Coal, LLC
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: 118-090-000-015
OSMRE Permit No. 3249

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-535-003, served on September 4, 2018, and Notice of Violation 18-090-535-006, served on August 06, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$8,257.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

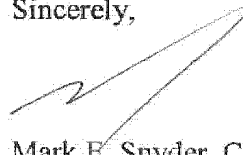
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order

Underlying Notice of Violation

Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1910

Mr. Aaron B. Houchens

Attorney-At-Law

Stanley & Houchens, LLC

113 E. Main Street

Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1927

National Coal, LLC

P.O. Box 2178

Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I18-090-000-015		
Date: 12/17/2018		
Company: National Coal, LLC		
Permit No.: 3249	Site Status: Mining Complete	
Failure to Abate Cessation Order (FTA CO): C18-090-535-003		
Underlying Notice of Violation (NOV): N18-090-535-006		
Regulation Cited for Underlying NOV: 30 CFR 816.95 and 30 CFR 773.17		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C18-090-535-002		\$1,640
C18-090-535-001		\$1,640
C14-090-171-002		\$1,640
C14-090-171-001		\$1,640
History Total:		\$6,560
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	\$1,640
Moderate - \$1,641 to \$3,280	\$3,280	
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on August 2, 2018 for failure to protect and stabilize surface areas to effectively control erosion. Rills and gullies have formed in the backfill of cut A95. This has caused ditch LFT-3-2A D1 to fill with sediment which is impeding adequate site drainage. The inspector reported that little damage has occurred.		
Environmental Harm Total:		\$1,640
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$2,000
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on August 2, 2018 for failure to protect and stabilize surface areas to effectively control erosion. Rills and gullies have formed in the backfill of cut A95. This has caused ditch LFT-3-2A D1 to fill with sediment which is impeding adequate site drainage. At the time of the violation the inspector reported that little damage has occurred and is on the permit area. The ditch being filled with sediment is not allowing the hydrologic plan to be implemented as approved.		
Extent of Damage Total:		\$2,000
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying notice of violation issued on August 2, 2018. No actions have been taken to abate the violation. The cessation order was issued on August 30, 2018.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$10,200	
Service Date for FTA CO C18-090-535-003, Violation 1 of 1		9/4/2018
Today's Date		12/17/2018
Number of Days		104
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$8,257
(B) Total ICP (Total Daily Penalty x Number of Days)		\$1,060,842
Final ICP - Whichever is less, (A) or (B)		\$8,257

Updated July 26, 2018

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	National Coal 3249 cost estimate CO 18-090-535-003, violation 2 of 3 Description
	1	LS	Mobilization
	8	hours	D-6 dozer
	1	acre	Seed and mulch
	8	hours	Tack Excavator
	1	LS	Demobilization

Unit Price	Amount
\$3,000	\$3,000
\$92	\$736
\$850	\$850
\$115	\$920
\$2,000	\$2,000

Total	\$7,506.00
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Exhibit F-10



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



December 18, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 1989

Mr. James C. Justice, III
National Coal, LLC
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I18-090-000-017
OSMRE Permit No. TN-023

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-171-003, served on July 18, 2018, and Notice of Violation 18-090-171-003, served on July 2, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$7,150.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.


This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1996

Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 2009

National Coal LLC
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I18-090-000-017		
Date: 12/17/2018		
Company: National Coal LLC		
Permit No.: TN-023	Site Status: Phase I	
Failure to Abate Cessation Order (FTA CO): C18-090-171-003		
Underlying Notice of Violation (NOV): N18-090-171-003		
Regulation Cited for Underlying NOV: 30 CFR 816.150(b)		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C14-090-535-004		\$1,640
		\$0
		\$0
		\$0
		\$0
History Total:		\$1,640
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$2,000
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on June 26, 2018 for failure to maintain the haulroad in a manner that would prevent off site sedimentation. The first two culvers, at the entrance of the haulroad, are blocked and allowing water to pond in the road before flowing across the road into the receiving stream. Also, the road is heavily eroded causing sediment laden water to flow into the receiving stream. Finally, water bars that were installed on the steeper sections of the road are filling up with sediment and allowing water to flow over the top of the water bars and creating erosion. Due to the sediment laden water flowing into the receiving stream, moderate environmental harm has occurred.		
Environmental Harm Total:		\$2,000
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	\$2,500
Justification: The underlying notice of violation was issued on June 26, 2018 for failure to maintain the haulroad in a manner that would prevent off site sedimentation. The inspector reported that minor damage has occurred, during rain events, off the permit area. The underlying notice of violation is causing off-site sedimentation to occur.		
Extent of Damage Total:		\$2,500
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying notice of violation issued on June 26, 2018. No actions were taken to abate the violation. The cessation order was issued on July 13, 2018.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$6,140	
Service Date for FTA CO C18-090-171-003, Violation 1 of 1		7/18/2018
Today's Date		12/17/2018
Number of Days		152
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$7,150
(B) Total ICP (Total Daily Penalty x Number of Days)		\$933,295
Final ICP - Whichever is less, (A) or (B)		\$7,150

Updated July 26, 2018

I-P 017

ROUGH	DRAFT	ESTIMATE	National Coal, LLC Permit # TN-023	
Item No.	Qty	Unit	Description	
1	1	LS	Mobilization and Demobilization (Limited to 10% of Total Bid)	
2	1	per day	Use of back hoe for two days	
3	1	per day	Use of road grader for two days	

Unit Price	Amount
LS	\$4,000
\$500.00 per day	\$1,000
\$750.00 per day	\$1,500
Total	\$6,500



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



December 18, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1958

Mr. James C. Justice, III
Premium Coal Company, Incorporated
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: 118-090-000-018
OSMRE Permit No. 3237

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-546-001, served on July 16, 2018, and Notice of Violation 18-090-546-003, served on May 29, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$1,037,685.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

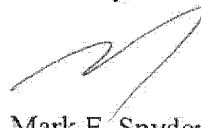
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order

Underlying Notice of Violation

Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 2115
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 0965
Premium Coal Company, Incorporated
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I18-090-000-018		
Date: 12/17/2018		
Company: Premium Coal Company Inc.		
Permit No.: 3237	Site Status: Active Non-Producing	
Failure to Abate Cessation Order (FTA CO): C18-090-546-001		
Underlying Notice of Violation (NOV): N18-090-546-003		
Regulation Cited for Underlying NOV: 30 CFR 800.11, 30 CFR 800.14 and 30 CFR 800.15		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C17-090-546.001		\$1,640
C14-090-281-009		\$1,640
C14-090-281-008		\$1,640
C14-090-281-005		\$1,640
History Total:		\$6,560
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	\$0
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on May 24, 2018 for failure to post the adjusted bond amount. OSMRE sent a certified letter to the permittee on November 16, 2017 requiring the permittee to post the adjusted bond amount by December 22, 2017. The adjusted bond amount was never received. No environmental harm as occurred as a result of the violation.		
Environmental Harm Total:		\$0
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$0
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on May 24, 2018 for failure to post the adjusted bond amount. OSMRE sent a certified letter to the permittee on November 16, 2017 requiring the permittee to post the adjusted bond amount by December 22, 2017. The adjusted bond amount was never received. No damage has occurred as a result of not posting the adjusted bond amount.		
Extent of Damage Total:		\$0
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying notice of violation issued on May 24, 2018. No actions have been taken to abate the violation. The cessation order was issued on July 11, 2018.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$6,560	
Service Date for FTA CO C18-090-535-003, Violation 1 of 1		7/16/2018
Today's Date		12/17/2018
Number of Days		154
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$1,037,685
(B) Total ICP (Total Daily Penalty x Number of Days)		\$1,010,302
Final ICP - Whichever is less, (A) or (B)		\$1,010,302

Updated July 26, 2018

Memorandum

To: ICP File I18-090-000-018

From: Mark E. Snyder, Chief Field Compliance Branch

MES 4/2/19

Reference: Premium Coal Company Inc., Permit 3237 Gum Branch, Individual Civil Penalty I18-090-000-018 assessment in the amount of \$1,037,685.00.

The amount of Individual Civil Penalties are calculated using two factors.

(A) The Total Estimated Abatement Cost Plus 10% = \$1,037,685.00

(B) The Total ICP (Daily Penalty X Number of Days) 126 days X \$6,560 = \$826,560.00

Typically, the lesser of the two dollar amounts are chosen for the Individual Civil Penalty. However, this violation is for failure to post bond and the lesser of the two amounts (\$826,560.00) is less than the required bond amount which is \$943,350.00. In addition, the estimated abatement cost includes a 10% markup which brings the penalty to \$1,037,685.00.

Cc: Michael C. Castle

Exhibit F-12



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902

JUN 06 2019



NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 2696

Mr. James C. Justice, III
Premium Coal Company, Incorporated
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I19-090-000-022
OSMRE Permit No. 3237

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As President/Director, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 19-090-546-001, Violation 1 of 1 served on February 5, 2019, and Notice of Violation 18-090-546-004, Violation 1 of 1 served on November 4, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$3,155.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

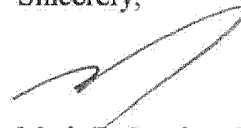
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 2702
Premium Coal Company, Incorporated
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I19-090-546-001		
Date: 5/7/2019		
Company: Premium Coal Company, Inc.		
Permit No.: 3237	Site Status: Active Non-Producing	
Failure to Abate Cessation Order (FTA CO): C19-090-546-001		
Underlying Notice of Violation (NOV): N18-090-546-004		
Regulation Cited for Underlying NOV: 30 CFR 715.18(b)(5)		
Assessor: Christopher Miller		
Current ICP Maximum Daily Amount	\$16,815	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,726	(\$1,640 per cessation order)
C18-090-546-001		\$1,682
C17-090-546-001		\$1,682
C14-090-281-009		\$1,682
C14-090-281-008		\$1,682
	History Total:	\$6,728
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$5,045	
None - \$0	\$0	\$0
Insignificant - \$0 to \$1,682	\$1,682	
Moderate - \$1,683 to \$3,364	\$3,364	
Significant - \$3,365 to \$5,045	\$5,045	
Justification: Underlying NOV N18-090-546-004, Violation 1 of 1, was issued November 1, 2018 for failure to routinely maintain the dam. This violation was an obstruction and prevented the inspector from conducting her safety inspection. Therefore, this violation had no associated environmental harm.		
Environmental Harm Total:		\$0
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$5,045	
Confined within the permit area - \$0 to \$2,523	\$2,523	\$0
Extending outside the permit area - \$2,524 to \$5,045	\$5,045	
Justification: Underlying NOV N18-090-546-004, Violation 1 of 1, was issued November 1, 2018 for failure to routinely maintain the dam. This violation was an obstruction and prevented the inspector from conducting her safety inspection. Therefore, this violation had no associated extent of damage.		
Extent of Damage Total:		\$0
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on November 1, 2018. This NOV remains unabated. The cessation order was issued on January 31, 2019. The cessation order exceeded 30 days on March 1, 2019 and a follow-up inspection on March 5, 2019 confirmed that no work had been attempted on the underlying violation. The underlying NOV and cessation order remain in effect.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$6,728	
Service Date for FTA CO C19-090-546-001, Violation 1 of 1		2/5/2019
Today's Date		5/7/2019
Number of Days		91
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$3,155
(B) Total ICP (Total Daily Penalty x Number of Days)		\$612,248
Final ICP - Whichever is less, (A) or (B)		\$3,155

Updated May 7, 2019

COST ESTIMATE
Premium Coal Company 3237 C19-090-546-001

<u>Item No.</u>	<u>Qty</u>	<u>Unit</u>	<u>Description</u>	<u>Source</u>	<u>Purpose</u>	<u>Unit Price</u>	<u>Amount</u>
Bobcat T190 CAB	1	1 week	1500-2100 LB Track Skidsteer Cab	https://www.sunbeltrentals.com/equipment/detail/1357/0480530/1	Mowing	\$975.00	\$975
Ground Shark GSS72	1	1 week	Bush Hog / Brush Cutter 4' Cut	https://www.sunbeltrentals.com/equipment/detail/1353/0490050/t	Mowing	\$430.00	\$430
Diesel (gal)	5	28 gallon tank	3.4 gallons diesel per hour	https://www.ritchiespecs.com/model/bobcat-t190-multi-terrain-load	Mowing	\$3	\$420
Kubota L47 TLB	1	1 week	4WD Mid-Size Backhoe 10' Dig Depth	https://www.sunbeltrentals.com/equipment/detail/896/0530150/4v	Ditch clearing	\$800	\$800
Diesel (gal)	4.5	18 gallon tank	~2 gal. diesel per hour	https://www.manualslib.com/manual/1238525/Kubota-L47tl.html?p	Ditch clearing	\$3.00	\$243

Total: \$2,868

US-0001600

Exhibit F-13



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902

JUN 06 2019



NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 2719

Mr. James C. Justice III
Premium Coal Company, Inc.
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I19-090-000-023
OSMRE Permit No. 3183

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As President/Director you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-534-001, Violation 1 of 1, served on July 10, 2018, and Notice of Violation 18-090-534-005, Violation 1 of 1, served on June 4, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$13,283.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

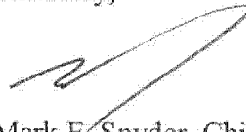
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 2726
Premium Coal Company, Inc.
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: 118-090-000-000		
Date: 8/28/2018		
Company: Premium Coal Company Inc.		
Permit No.: 3183		Site Status: Temporary Cessation
Failure to Abate Cessation Order (FTA CO): 18-090-534-001, Violation 1 of 1		
Underlying Notice of Violation (NOV): 18-090-534-005, Violation 1 of 1		
Regulation Cited for Underlying NOV: 30 CFR 816.46(b)(2)		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount		\$16,401
1. History		
List Previous Federal Cessation Orders (no more than 4)	Maximum: \$6,560	Assessed Penalty (\$1,640 per cessation order)
C17-090-534-001		\$1,640
C14-090-461-005		\$1,640
C14-090-461-004		\$1,640
C14-090-461-001		\$1,640
History Total:		\$6,560
2. Seriousness		
a. Environmental Harm	Maximum: \$4,920	Assessed Penalty
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	\$1,640
Moderate - \$1,641 to \$3,280	\$3,280	
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying NOV was issued May 31, 2018. Violation 1 of 1 cited "Failure to pass all drainage through an approved siltation structure before leaving the permit area." Drainage ditch DD-2 is breached and water is bypassing pond 002 before leaving the permit area. The inspector reported that water pollution has not occurred due to the fact that the flow from the breached ditch is intermittent, the water quality is within effluent parameters, and the high elevation of the permit makes it difficult for drainage from the breach to reach the receiving stream.		
Environmental Harm Total:		\$1,640
2. Seriousness		
b. Extent of Damage	Maximum: \$4,920	Assessed Penalty
Confined within the permit area - \$0 to \$2,263	\$2,263	\$1,500
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying NOV was issued May 31, 2018. Violation 1 of 1 cited "Failure to pass all drainage through an approved siltation structure before leaving the permit area." Drainage ditch DD-2 is breached and water is bypassing pond 002 before leaving the permit area. The inspector reported that the damage was contained within the permit area and did not result in water pollution.		
Extent of Damage Total:		\$1,500
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on May 31, 2018. The violation remained unabated for over 90 days. Therefore, a cessation order was issued on July 5, 2018. The cessation order has been in effect for 49 days, but there has still been no attempt by the company to abate the cited violation.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total: \$9,700	Assessed Penalty
Service Date for FTA CO C18-090-534-001, Violation 1 of 1		7/10/2018
Today's Date		8/28/2018
Number of Days		49
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$13,283
(B) Total ICP (Total Daily Penalty x Number of Days)		\$475,320
Final ICP - Whichever is less, (A) or (B)		\$13,283

Form Updated July 26, 2018

		ESTIMATE Premium Coal Company Permit 3183, Area 20, breached ditch DD-2.			
Item No.	Qty	Unit	Description	Unit Price	Amount
	1	AC	Revegetation - Slopes \leq 2:1	\$5,000	\$5,000
	200	LF	Channel Maintenance	\$10.00	\$2,000
	50	LF	CMP Culvert Cleaning	\$1.00	\$50
	500	CY	Unclassified Excavation	\$5.00	\$2,500
	100	LF	Silt Fence (Per Linear Foot)	\$5.00	\$500
	100	LF	Straw Wattle (Per Linear Foot)	\$0.25	\$25
	1	AC	Regrading	\$2,000	\$2,000
				<u>Total</u>	\$12,075

Exhibit F-14



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



JUN 06 2019

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 2733

Mr. James C. Justice III
Premium Coal Company, Inc.
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: 119-090-000-024
OSMRE Permit No. 3183

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As President/Director you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 19-090-534-001, Violation 1 of 1, served on March 22, 2019, and Notice of Violation 19-090-534-002, Violation 1 of 1, served on March 7, 2019, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$4,970.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 2740
Premium Coal Company, Inc.
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I19-090-000-000		
Date: 5/7/2019		
Company: Premium Coal Co., Inc.		
Permit No.: 3183	Site Status: Temporary Cessation	
Failure to Abate Cessation Order (FTA CO): C19-090-534-001, Violation 1 of 1		
Underlying Notice of Violation (NOV): N19-090-534-002, Violation 1 of 1		
Regulation Cited for Underlying NOV: 30 CFR 816.46(b)(2)		
Assessor: Christopher Miller		
Current ICP Maximum Daily Amount	\$16,815	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,726	(\$1,640 per cessation order)
C18-090-534-003		\$1,682
C18-090-534-001		\$1,682
C17-090-534-001		\$1,682
C14-090-461-005		\$1,682
History Total:		\$6,728
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$5,045	
None - \$0	\$0	
Insignificant - \$0 to \$1,682	\$1,682	
Moderate - \$1,683 to \$3,364	\$3,364	\$1,683
Significant - \$3,365 to \$5,045	\$5,045	
Justification: Underlying NOV N19-090-534-002, Violation 1 of 1, was issued February 28, 2019 for failure to pass all surface drainage through an approved siltation structure before leaving the permit area. Drainage from the breach was flowing at approximately 20 gallons per minute, scouring the pond embankment, and entering a pre-existing slide area.		
Environmental Harm Total:		\$1,683
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$5,045	
Confined within the permit area - \$0 to \$2,523	\$2,523	
Extending outside the permit area - \$2,524 to \$5,045	\$5,045	\$2,524
Justification: Underlying NOV N19-090-534-002, Violation 1 of 1 was issued February 28, 2019 for failure to pass all surface drainage through an approved siltation structure before leaving the permit area. Although drainage was flowing from the breach onto a pre-existing slide area, the inspector reported minor off-site sedimentation had occurred.		
Extent of Damage Total:		\$2,524
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on February 28, 2019. This NOV remains unabated. The cessation order was issued on March 14, 2019. The cessation order exceeded 30 days on April 12, 2019 and a follow-up inspection on April 15, 2019 confirmed that no work had been attempted on the underlying violation. The underlying NOV and cessation order remain in effect.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$10,935	
Service Date for FTA CO C19-090-534-001, Violation 1 of 1		3/22/2019
Today's Date		5/7/2019
Number of Days		46
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$4,970
(B) Total ICP (Total Daily Penalty x Number of Days)		\$503,010
Final ICP - Whichever is less, (A) or (B)		\$4,970

Updated May 7, 2019

COST ESTIMATE
Premium Coal Company 3183 C19-090-534-001

<u>Item No.</u>	<u>Qty</u>	<u>Unit</u>	<u>Description</u>	<u>Source</u>	<u>Purpose</u>	<u>Unit Price</u>	<u>Amount</u>
CAT 326F	1	1 week	CAT long reach tracked excavator	https://www.stowerscat.com/	Pond maintenance	\$4,200.00	\$4,200
Diesel (gal)	1	~106 gallon tank (not advertised)	~2 gallons diesel per hour	https://www.cat.com/en_US/products/new/equipment/excavators/medium-excavators/1000024903.html	Ditch clearing	\$3.00	\$318

Total: \$4,518

US-0001667



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902

DEC 12 2019



NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 3686

Mr. James C. Justice III
Premium Coal Company, Inc.
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I19-090-000-029
OSMRE Permit No. 3237

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As President/Director you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 19-090-546-004, Violation 1 of 1, served on August 12, 2019, and Notice of Violation 19-090-546-004, Violation 1 of 1, served on July 8, 2019, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$16,478.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Branch Chief
Federal Program Field Branch
Lexington Field Office

Enclosures:

Failure to Abate Cessation Order

Underlying Notice of Violation

Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 3679
Premium Coal Company, Inc.
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: 119-090-000-029		
Date: 12/3/2019		
Company: Premium Coal Company Inc.		
Permit No.: 3237	Site Status: Active Non-Producing	
Assessor: Mychal Dabney		
Underlying Notice of Violation (NOV): 19-090-546-004, Violation 1 of 1		
Regulation Cited for Underlying NOV: 30 CFR 816.49(a)(11) and 521(a)(3) of public law 95-87		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C19-090-546-002		\$1,640
C19-090-546-001		\$1,640
C18-090-546-001		\$1,640
C17-090-546-001		\$1,640
History Total:		\$6,560
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	\$0
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on July 1, 2019 for failure to submit the complete and comprehensive annual impoundment certification report for January 1, 2018-December 31, 2018. Failing to submit the complete and comprehensive annual impoundment certification report obstructs OSMRE and the public from knowing whether the impoundment structure is safe. No environmental harm has been caused due to the notice of violation.		
Environmental Harm Total:		\$0
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$0
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on July 1, 2019 for failure to submit the complete and comprehensive annual impoundment certification report for January 1, 2018-December 31, 2018. The inspector reported that the impoundment was stable but failing to submit the complete and comprehensive annual impoundment certification report obstructs OSMRE and the public from knowing whether the impoundment structure is safe.		
Extent of Damage Total:		\$0
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on July 1, 2019. The violation remained unabated for over 90 days. Therefore, a cessation order was issued on September 17, 2018. The cessation order has been outstanding for 113 days, but there has still been no attempt by the company to abate the cited violation.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$6,560	
Service Date for FTA CO C18-090-534-001, Violation 1 of 1		8/12/2019
Today's Date		12/3/2019
Number of Days		113
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$16,478
(B) Total ICP (Total Daily Penalty x Number of Days)		\$741,325
Final ICP - Whichever is less, (A) or (B)		\$16,478

Form Updated July 26, 2018

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	Premium Coal Company, Inc. ICP 119-090-000-029 Description	Unit Price	Amount
	312	Hrs	Monitoring, Inspections, Travel per year	\$40	\$12,480
	1	LS	Engineers report with PE certification	\$2,000	\$2,000
	1	LS	Misc expenses	\$500	\$500
Total					\$14,980.00



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902

DEC 12 2019



NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 3723

Mr. James C. Justice, III
National Coal, LLC
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I19-090-000-030
OSMRE Permit No. 3249

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 19-090-535-001, Violation 2 of 2, served on February 11, 2019, and Notice of Violation 18-090-535-008, Violation 2 of 2, served on December 21, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$14,269.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

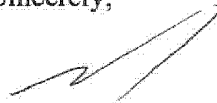
This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Branch Chief
Federal Program Field Branch
Lexington Field Office

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 3730
National Coal LLC
P.O. Box 2178
Beaver, WV 25813

Construction Cost Estimate for National Coal

Permit # 3249

Violation Number: N18-090-535-008 (2 of 2)

Cessation Order: C19-090-535-001 (2 of 2)

Individual Civil Penalty (ICP): I19-090-000-030

Cost: \$

Equipment/Labor/etc:

Mobilization (Excavator 345 DL Cat)

Demobilization (Excavator 345 DL Cat)

Excavator 345 DL Cat

Low Drag for Junk Excavator

Haulage to Salvage

Unloading at Salvage Yard

Labor

Contaminated Soil Removal/Disposal

Dump Truck

Soil disposal

Revegetation

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	National Coal 3249 Cost Estimate ICP I19-090-000-030 Description	Unit Price	Amount
	1	LS	Mobilization	\$1,500	\$1,500
	1	LS	Demobilization	\$1,500	\$1,500
	8	Hrs	Excavator 345 DL Cat	\$134	\$1,072
	1	LS	Low Drag to haul Junk Excavator to salvage	\$3,000	\$3,000
	8	Hrs	Labor (2 Laborers)	\$50.00	\$400
	10	CY	Contaminated Soil Removal and Disposal	\$500	\$5,000
	1	LS	Revegetation	\$500	<u>\$500</u>
Total					\$12,972.00

+ 10%

14,269

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: I20-090-000-000		
Date: 12/5/2019		
Company: National Coal LLC		
Permit No.: 3249	Site Status: Mining Complete	
Assessor: Mychal Dabney		
Underlying Notice of Violation (NOV): 18-090-535-008, Violation 2 of 2		
Regulation Cited for Underlying NOV: 30 CFR 816.86 and 773.17		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount	\$16,401	
1. History	Maximum:	Assessed Penalty
List Previous Federal Cessation Orders (no more than 4)	\$6,560	(\$1,640 per cessation order)
C18-090-535-003		\$1,640
C18-090-535-002		\$1,640
C18-090-535-001		\$1,640
C14-090-171-002		\$1,640
History Total:		\$6,560
2. Seriousness	Maximum:	Assessed Penalty
a. Environmental Harm	\$4,920	
None - \$0	\$0	\$0
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on December 19, 2018 for failure to properly dispose of non-coal waste. A burnt-out excavator has been abandoned on haulroad #1. The inspector reported that the excavator has leaked fluid onto the road surface. No environmental harm has been caused due to the notice of violation.		
Environmental Harm Total:		\$0
2. Seriousness	Maximum:	Assessed Penalty
b. Extent of Damage	\$4,920	
Confined within the permit area - \$0 to \$2,263	\$2,263	\$0
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on December 19, 2018 for failure to properly dispose of non-coal waste. A burnt-out excavator has been abandoned on haulroad #1. The inspector reported that the excavator has leaked fluid onto the road surface. The inspector reported that little damage has occurred as a result of the violation and the damage is confined to the permit area.		
Extent of Damage Total:		\$0
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on December 12, 2018. The violation remained unabated for over 90 days. Therefore, a cessation order was issued on February 7, 2019. The cessation order has been outstanding for 297 days, but there has still been no attempt by the company to abate the cited violation.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total:	Assessed Penalty
	\$6,560	
Service Date for FTA CO C18-090-534-001, Violation 1 of 1		2/11/2019
Today's Date		12/5/2019
Number of Days		297
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)		\$14,269
(B) Total ICP (Total Daily Penalty x Number of Days)		\$1,948,439
Final ICP - Whichever is less, (A) or (B)		\$14,269

Form Updated July 26, 2018



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
710 Locust Street, Second Floor
Knoxville, TN 37902



October 25, 2018

NOTICE OF PROPOSED ASSESSMENT FOR AN INDIVIDUAL CIVIL PENALTY

Certified Mail Restricted Delivery 7014 1200 0002 0918 1835

Mr. James C. Justice, III
National Coal, LLC
302 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Individual Civil Penalty No.: I18-090-000-012

Dear Mr. James C. Justice, III:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), pursuant to Section 518(f) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1268(f), may assess an individual civil penalty against a director, officer, or agent of a corporate permittee who has violated a condition of the permit or fails or refuses to comply with a cessation order.

As Managing Member, you were previously notified that unless the corporation complied with Failure to Abate Cessation Order 18-090-171-004, Violation 3 of 3, served on July 27, 2018, and Notice of Violation 18-090-171-004, Violation 3 of 3, served on July 9, 2018, which are attached to this notice, you would be liable for an individual civil penalty assessment. Your corporation's failure to abate the attached violations has resulted in the assessment of individual civil penalties totaling \$6,606.00. In assessing the penalties, OSMRE considered possible criteria specified in the Federal rules at 30 CFR 846.

Under the Federal rules at 30 CFR 846.14(b), the penalty shall not exceed \$16,401.00 for each violation. However, each day of a continuing violation may be deemed a separate violation, and OSMRE may assess a separate individual civil penalty for each day the violation, failure, or refusal continues, from the date of service of the underlying notice of violation, cessation order, or other order incorporated in a final decision issued by the Secretary, until abatement or compliance is achieved.

If you wish to abate the outstanding violation listed in the enclosed attachment, or wish to execute in writing a plan for rapid abatement of the outstanding violation, please contact me at msnyder@osmre.gov or the address listed above. Abatement of the outstanding violation would enable OSMRE to withdraw the proposed individual civil penalty under the criteria listed in 30 CFR 846.18(c).

In accordance with 43 CFR 4.1300, you have the right to appeal this decision within 30 days from the date of receipt of this notice. To initiate an appeal, you must file a written notice of

appeal with the Hearings Division, Office of Hearings and Appeals, U. S. Department of Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, and at the same time, you must also send a copy of the notice to me. The notice of appeal shall indicate that an appeal is intended and must identify the individual civil penalty number listed above and the date on which you received this letter. The notice must include a statement of reasons for the appeal and any arguments that you choose to make. Note that your deadline to file an appeal cannot be extended under 43 CFR 4.1302 even if you enter into an abatement plan.

This proposed penalty will become final and payable within 30 days from the date you receive this letter, unless within that time you file an appeal or enter into an abatement agreement as explained above. Payments should be made by check or money order payable to "Assessment Office—OSMRE" and sent to:

Office of Surface Mining
Reclamation and Enforcement
710 Locust Street, Second Floor
Knoxville, TN 37902

To assure proper credit of your payment, you must note on the check or money order the individual civil penalty number for which payment is being made.

Please read this letter carefully. If you have any questions that are not answered by this letter, please contact me at (865) 545-4103, Extension 173.

Sincerely,



Mark E. Snyder, Chief
Field Compliance Branch

Enclosures:

Failure to Abate Cessation Order
Underlying Notice of Violation
Notice of Potential Liability for an Individual Civil Penalty Assessment

cc: Certified Mail 7014 1200 0002 0918 1842
Mr. Aaron B. Houchens
Attorney-At-Law
Stanley & Houchens, LLC
113 E. Main Street
Salem, VA 24153

Certified Mail 7014 1200 0002 0918 1859
National Coal, LLC
P.O. Box 2178
Beaver, WV 25813

Individual Civil Penalty Worksheet		
Individual Civil Penalty (ICP) No.: 118-090-000-012		
Date: 10/16/2018		
Company: National Coal, LLC		
Permit No.: 3250	Site Status: Temporary Cessation	
Failure to Abate Cessation Order (FTA CO): 18-090-171-004, Violation 3 of 3		
Underlying Notice of Violation (NOV): 18-090-171-004, Violation 3 of 3		
Regulation Cited for Underlying NOV: 30 CFR 942.816.43(a)(2)		
Assessor: Mychal Dabney		
Current ICP Maximum Daily Amount	\$16,401	
1. History		
List Previous Federal Cessation Orders (no more than 4)	Maximum: \$6,560	Assessed Penalty (\$1,640 per cessation order)
C14-090-535-015		\$1,640
C14-090-535-011		\$1,640
C14-090-535-001		\$1,640
		\$0
History Total:		\$4,920
2. Seriousness		
a. Environmental Harm	Maximum: \$4,920	Assessed Penalty
None - \$0	\$0	
Insignificant - \$0 to \$1,640	\$1,640	
Moderate - \$1,641 to \$3,280	\$3,280	\$2,460
Significant - \$3,281 to \$4,920	\$4,920	
Justification: The underlying notice of violation was issued on June 29, 2018 for failure to maintain clean water diversion ditch CWD-1. The inspector reported a slide has formed at the outlet of the ditch changing the course of the permitted flow. Water is flowing across the reclaimed slope creating erosion of the slope and gullies in the backfill. This is increasing the sediment volume in the receiving basin.		
Environmental Harm Total:		\$2,460
2. Seriousness		
b. Extent of Damage	Maximum: \$4,920	Assessed Penalty
Confined within the permit area - \$0 to \$2,263	\$2,263	\$2,263
Extending outside the permit area - \$2,263 to \$4,920	\$4,920	
Justification: The underlying NOV was issued June 29, 2018. Violation 3 of 3 cited "Failure to maintain clean water diversion ditch CWD-1." The inspector reported that the reclaimed slopes are eroding and gullies are forming. The excess sediment is entering SS-1B. The excess water volume and sediment are not designed to enter SS-1B. All damage is confined within the permit area.		
Extent of Damage Total:		\$2,263
3. Good Faith		
Justification: You have not demonstrated good faith in attempting to achieve rapid compliance of the underlying NOV issued on June 29, 2018. The violation remained unabated for over 90 days. Therefore, a cessation order was issued on July 24, 2018. The cessation order has been in effect for 84 days, but there has still been no attempt by the company to abate the cited violation.		
Good Faith Total:		\$0
Daily ICP Calculation	Daily Total: \$9,643	Assessed Penalty
Service Date for FTA CO C18-090-171-004, Violation 3 of 3	7/27/2018	
Today's Date	10/25/2018	
Number of Days	90	
(A) Total Estimated Abatement Cost Plus 10 % (Worksheet Attached)	\$6,606	
(B) Total ICP (Total Daily Penalty x Number of Days)	\$867,897	
Final ICP - Whichever is less, (A) or (B)	\$6,606	

Form Updated July 26, 2018

ROUGH Item No.	DRAFT Qty	ESTIMATE Unit	Cost estimate page 2 of 2 violation 3 of 3 CO 18-090-171-004 Description	Unit Price	Amount
	1	LS	Mobilization	\$3,000	\$3,000
	8	hours	Track excavator	\$115	\$920
	acre	1	Seed and mulch	\$85	\$85
	1	LS	Demobilization	\$2,000	\$2,000
			<u>Total</u>		\$6,005